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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,010	12/16/2003	Eric Bischoff	692-4	5769

23869 7590 05/06/2005

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EXAMINER	
BURNHAM, SARAH C	
ART UNIT	**PAPER NUMBER**
3636	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/737,010	BISCHOFF, ERIC	
	Examiner	Art Unit	
	Sarah C. Burnham	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *32* is/are allowed.

6)☐ Claim(s) *1-6,11,12,15-18,23,25-31 and 33* is/are rejected.

7)☒ Claim(s) *7-10,13,14,19-22 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 7-9, 13-14 and 26 objected to because of the following informalities:

- It appears as if the word - -on- - should be inserted between the words "disposed" and "said" in line 3 of claim 26.
- In line 4 of claim 26 it appears as if the word "sat" should be replaced with the word - - seat - -.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15, 19 and 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- said frame back support (claim 15, line 2; claim 31, line 11)
- said base back support (claim 19, line 2)
- said first pair of legs (claim 23, line 11)
- said seat frame (claim 27, line 5)

Claim 28 recites, "said first pair of spaced legs being connected to said first pair of legs" in line 3. Does applicant intend to state that said first pair of spaced legs is connected to said second part of spaced legs? Clarification is requested.

Claims 24-26 and 29-30 are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 11-12, 15-18, 23, 25, 27-29 and 33 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Mazelsky (4,150,805). With respect to claim 1, Mazelsky discloses a seat suspension assembly comprising: a base (17)(19)(21)(23)(27)(45)(47) including a first pair of spaced legs (17)(19) adapted to be securable to a support structure (i.e. the helicopter recited in line 59), said first pair of legs (17)(19) being connected to a back member (29); a seat frame (1) adapted to support a seating surface (57) and disposed between said first pair of spaced legs (17)(19) of said base (17)(19)(21)(23)(27)(45)(47), said seat frame (1) being movably connected to said base (17)(19)(21)(23)(27)(45)(47), said seat frame (1) including a first guide (3)(7)(31) engageable with one leg (17) of said pair of legs (17)(19) and translatable relative thereto, said first guide (3)(7)(31) permitting controlled movement of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47); and a suspension (11)(13) extending between said seat frame (1) and said base

(17)(19)(21)(23)(27)(45)(47) for regulating motion of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47).

With respect to claim 2, said suspension (11)(13) includes a biasing device in that it has "a helical coil resulting in the dissipation and absorption of energy" (column 5, lines 41-42).

With respect to claim 3, said suspension (11)(13) includes a dampening device in the form of telescoping tubular elements (85)(86)(87).

With respect to claim 4, said base (17)(19)(21)(23)(27)(45)(47) includes a cross bar (30) and said seat frame (1) includes a back support (15), said suspension (11)(13) extends between said base cross bar (30) and said seat frame back support (15) given that it is located between the two elements.

With respect to claim 5, said base (17)(19)(21)(23)(27)(45)(47) includes a second pair of spaced legs (45)(47) extending therefrom adapted to be secured to the support structure, and said first pair of spaced legs (17)(19) being connected to said second pair of legs (45)(47) by a pair of side rails (21)(23).

With respect to claim 6, said base cross bar (30) and said pair of side rails (21)(23) have an open space there between to receive said seat frame (1).

With respect to claim 11, Mazelsky discloses a seat suspension assembly comprising: a base (17)(19)(21)(23)(27)(45)(47) including a first pair of spaced legs (17)(19) adapted to be securable to a support structure, said first pair of legs (17)(19) being connected to a back member (29), said back member (29) defining an opening (unlabeled); a seat frame (1) adapted to support a seating surface (57) and disposed

between said first pair of spaced legs (17)(19), said seat frame (1) being movably connected to said base, said seat frame including a first guide (3)(7)(31) engageable with at least one (17) said first pair of legs (17)(19) and translatable relative thereto, said first guide (3)(7)(31) permitting controlled movement of said seat frame (1) relative to said base; and a suspension (11)(13) substantially disposed within said opening defined by said back member (29) and extending between said seat frame (1) and said base for regulating the motion of said seat frame relative to said base.

With respect to claim 12, said seat frame (1) includes a second guide (5)(9)(35) engageable with the other leg (19) of said first pair of legs (17)(19).

With respect to claim 15, said back member (29) includes a cross bar (32) and said frame back support (15) includes an upper portion (69)(71) and said suspension (11)(13) extends between and is pivotally secured to said cross bar (32), by way of guides (37) and (33), and said back support upper portion (69)(71) such that said suspension (11)(13) is disposed behind said seat frame (1) as is best depicted in Figure 2.

With respect to claim 16, said suspension (11)(13) includes a biasing device in that it has "a helical coil resulting in the dissipation and absorption of energy" (column 5, lines 41-42).

With respect to claim 17, said suspension (11)(13) includes a dampening device in the form of telescoping tubular elements (85)(86)(87).

With respect to claim 18, said biasing member in the form of the helical spring is disposed concentrically about the dampening tubular elements as seen in Figure 6.

With respect to claim 23, Mazelsky discloses a seat suspension assembly securable to a support structure (i.e. a helicopter) comprising: a base (17)(19)(21)(23)(27)(29)(45)(47) securable to the support structure, said base including a back member (17)(19)(29) and a pair of spaced side rails (21)(23) extending outwardly from said back member (17)(19)(29), said back member (17)(19)(29) and said pair of side rails (21)(23) forming an open space (unlabeled); a seating surface (57); a seat frame (1) adapted to support said seating surface (57) and generally disposed in said open space, said seat frame (1) being movably connected in a guided manner to said base (17)(19)(21)(23)(27)(45)(47), said seat frame (1) including a back support (15) and a pair of spaced arms (67)(unlabeled) said seat frame (1) being movably connected to said base (17)(19)(21)(23)(27)(45)(47) by a pair of first guides (3)(7)(31) and (5)(9)(31) disposed on said (67)(unlabeled), said guides engaging and being translatable relative to said first pair of legs (17)(19), said back support (15) and said spaced arms (67)(unlabeled) forming an opening (unlabeled), wherein an area below said seating surface (57) is generally unobstructed providing unencumbered access to the support structure; and a suspension (11)(13) extending between said seat frame back support (15) and said base (17)(19)(21)(23)(27)(45)(47) for regulating the motion of said seat frame (1) relative to said base, said suspension (11)(13) being disposed outside of said opening created by said seat frame (1).

With respect to claim 25, said suspension (11)(13) includes a biasing device in that it has "a helical coil resulting in the dissipation and absorption of energy" (column 5,

lines 41-42) and a dampening device in the form of telescoping tubular elements (85)(86)(87).

With respect to claim 27, Mazelsky discloses a base (17)(19)(21)(23)(27)(45)(47) including a first (19)(19) and second (45)(47) pair of spaced legs adapted to be securable to a support structure, said first pair of spaced legs (17)(19) being connected to said second pair of legs by a pair of side rails (21)(23), said first pair of legs (17)(19) being connected to a back member (29) and wherein said base includes a cross bar (30) and said seat frame (1) includes a back support (15); said seat frame (1) is adapted to support a seating surface (57) and disposed between said first pair of spaced legs (17)(19), said seat frame (1) being moveably connected to said (17)(19)(21)(23)(27)(45)(47), said seat frame including a first guide (3)(7)(31) engageable with one leg (17) of said pair of legs (17)(19), said first guide permitting controlled movement of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47); and a suspension (11)913) extending between said seat frame back support (15) and said base cross bar (30) for regulating motion of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47).

With respect to claim 28 Mazelsky discloses a seat suspension assembly comprising: a base (17)(19)(21)(23)(27)(45)(47) including a first (17)(19) and second (45)(47) pair of spaced legs adapted to be securable to a support structure said first pair of spaced legs (17)(19) being connected to said second pair of legs (45)(47), said first pair of legs (17)(19) being connected to a back member (29), said back member (29) defining an opening (unlabeled); a seat frame (1) adapted to support a seating surface

(57) and disposed between said first pair of spaced legs (17)(19), said seat frame being movably connected to said base (17)(19)(21)(23)(27)(45)(47), said seat frame including a first guide (3)(7)(31) engageable with one leg (17) of said first pair of legs, said first guide permitting controlled movement of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47), said seat frame including a back support (15); and a suspension (11)(13) substantially disposed within said opening (unlableled0) defined by said back member (29) and extending between said seat frame (1) and said base (17)(19)(21)(23)(27)(45)(47) for regulating motion of said seat frame (1) relative to said base (17)(19)(21)(23)(27)(45)(47).

With respect to claim 29, said base (17)(19)(21)(23)(27)(45)(47) includes a cross bar (30) and said seat frame (1) includes a back support (15), said suspension (11)(13) extends between said base cross bar (30) and said seat frame back support (15).

With respect to claim 33, Mazelsky discloses a seat suspension assembly comprising: a base (17)(19)(21)(23)(27)(45)(47) including a first pair of spaced legs (17)(19) adapted to be securable to a support structure, said first pair of legs being connected to a back member (29); a seat frame (1) adapted to support a seating surface (57) and disposed between said first pair (17)(19) of spaced legs of said base, said seat frame (1) being movably connected to said base, said seat frame including a first guide (3)(7)(31) defining an opening (unlabeled) through which one leg (17) of said pair of legs (17)(19) extends, said first guide permitting controlled movement of said seat frame relative to said base; and a suspension (11)(13) extending between said

seat frame (1) and said base (17)(19)(21)(23)(27)(45)(47) for regulating motion of said seat frame relative to said base.

Allowable Subject Matter

6. Claims 7-10, 13-14, 19-22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 26 and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claim 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claim 32 is allowed.

Response to Amendment/Arguments

10. The amendment filed on February 24, 2005 has been considered in its entirety. Remaining issues are detailed in the above sections. The arguments with respect to Bischoff are moot in view of the new grounds of rejection set forth above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Mazelsky (4,128,217); Mazelsky (4,408,738); Mazelsky (4,423,848) and Negroni (2,971,566).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter M. Cuomo
Supervisory Patent Examiner
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SCB
April 27, 2005